



PATENT  
Our Docket: P-LJ 4752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Reed et al. )  
Serial No. 09/864,921 )  
Filed: May 23, 2001 )  
For: CARD DOMAIN CONTAINING )  
POLYPEPTIDES, ENCODING )  
NUCLEIC ACIDS, AND )  
METHODS OF USE )

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# 4

Commissioner for Patents  
Washington, D.C. 20231

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

**(1) Individual person:**

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

**(2) Small business concern:**

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint

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venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

**(3) Nonprofit organization:**

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

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Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

None

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

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I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

Sept. 24, 2001  
Date

John M. Campbell  
Name: John M. Campbell  
Title: Director, Intellectual Property

The Burnham Institute  
10901 North Torrey Pines Road  
La Jolla, California 92037

**ONE EXECUTED POWER OF ATTORNEY  
(2 pages)**

**Attorney Docket No.: P-LJ 4752**

**Serial No.: 09/864,921**

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail in an  
envelope addressed to: Commissioner for Patents, Washington, D.C.  
20231, on December 5, 2001.

By Melanie K. Webster  
Melanie K. Webster, Reg. No. 45,201

December 5, 2001  
Date of Signature

**POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE**

Assignee The Burnham Institute is the owner of the entire right, title and interest of U.S. patent application Ser. No. 09/864,921, filed on May 23, 2001, as attorney docket number P-LJ 4752, and entitled CARD DOMAIN CONTAINING POLYPEPTIDES, ENCODING NUCLEIC ACIDS, AND METHODS OF USE, and any subsequently filed divisional, continuation, continuation-in-part or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ROBERT T. RAMOS, Registration No. 37,915; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 34,949; DEBORAH L. CADENA, Registration No. 44,048; MELANIE K. WEBSTER, Registration No. 45,201; and ASTRID R. SPAIN, Registration No. 47,956.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
USPTO CUSTOMER NO. 23601

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Serial No.: 09/864,921  
Filed: May 23, 2001  
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The undersigned is authorized to sign on behalf of the  
Assignee.

Signature:

John M. Campbell

Name (typed):

John M. Campbell

Title:

Director, Intellectual Property

Assignee:

The Burnham Institute

Date:

Sept. 24, 2001

ONE EXECUTED STATEMENT UNDER 37  
C.F.R. § 3.73 (b) WITH ATTACHED  
COPY OF EXECUTED ASSIGNMENT  
(12 pages)  
Attorney Docket No.: P-LJ 4752  
Serial No.: 09/864,921

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail in an  
envelope addressed to: Commissioner for Patents, Washington, D.C.  
20231, on December 5, 2001.

By Melanie K. Webster  
Melanie K. Webster, Reg. No. 45,201

December 5, 2001  
Date of Signature





STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: CARD DOMAIN CONTAINING POLYPEPTIDES,  
ENCODING NUCLEIC ACIDS, AND METHODS OF  
USE

Application Ser. No.: 09/864,921

Filed: May 23, 2001

Inventor(s): Reed et al.

Attorney Docket No.: P-LJ 4752

The Burnham Institute, a Corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: Sept. 24, 2001

Signature: John M. Campbell

Name: John M. Campbell

Title: Director, Intellectual Property

COPY

JOINT

ASSIGNMENT

This Assignment is made by John C. Reed of San Diego, California, Frederick F. Pio of Vancouver, British Columbia, Adam Godzik, Christian Stehlik, Jason S. Damiano, Sug Hyung Lee, and Vasco A. Oliveira of San Diego, California, Hideki Hayashi of Nagasaki City, Japan and Krzysztof Pawlowski of Malmo, Sweden, Assignors, to The Burnham Institute, Assignee, having a place of business at 10901 North Torrey Pines Road, La Jolla, California 92037.

WHEREAS, Assignors have invented a new and useful CARD DOMAIN CONTAINING POLYPEPTIDES, ENCODING NUCLEIC ACIDS, AND METHODS OF USE, for which an application for United States Letters Patent was filed on May 23, 2001, in the United States Patent and Trademark Office, bearing Serial No.09/864,921, and identified as Attorney Docket No: P-LJ 4752;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged,

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Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention,

Reed et al.

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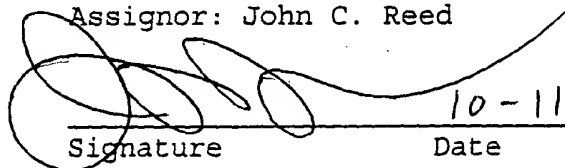
Filed: May 23, 2001

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whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s) provided below.

Assignor: John C. Reed

  
Signature Date 10-11-01

STATE OF California )  
COUNTY OF San Diego )

On October 11, 2001, before me, Karen Marion Overklift  
personally appeared John C. Reed,  
personally known to me - OR - ☒ proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized  
capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

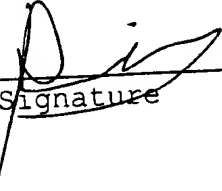
WITNESS by hand and official seal.

Karen Marion Overklift  
(Signature of Notary)



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Assignor: Frederick F. Pio

 01-11-28  
Signature Date

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
personally appeared \_\_\_\_\_,  
\_\_\_\_\_ personally known to me - OR - \_\_\_\_\_ proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

\_\_\_\_\_  
(Signature of Notary)

Reed et al.  
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Page 5

Assignor: Adam Godzik

Ad Godzik 9/25/01  
Signature Date

STATE OF California )  
COUNTY OF San Diego )

On September 25, 2001, before me, Karen Marion Overklift  
personally appeared Adam Godzik,  
✓ personally known to me - OR - \_\_\_\_\_ proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/~~she~~/they executed the same in his/~~her~~/their authorized  
capacity(ies), and that by his/~~her~~/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
~~person(s)~~ acted, executed the instrument.

WITNESS by hand and official seal.

Karen Marion Overklift  
(Signature of Notary)



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Page 6

Assignor: Christian Stehlik

  
Signature Date 10-11-01

STATE OF California )  
COUNTY OF San Diego )

On October 11, 2001, before me, Karen Marion Overklift  
personally appeared Christian Stehlik,  
\_\_\_\_\_ personally known to me - OR - ☒ proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/~~she/they~~ executed the same in his/~~her/their~~ authorized  
capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Karen Marion Overklift  
(Signature of Notary)



Reed et al.  
Serial No.: 09/864,921  
Filed: May 23, 2001  
Page 7

Assignor: Jason S. Damiano

Jason Damiano 10-11-01  
Signature Date

STATE OF California )  
COUNTY OF San Diego )

On October 11, 2001, before me, Karen Marion Overklift,  
personally appeared Jason Damiano,  
\_\_\_\_\_ personally known to me - OR - X proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/~~she~~/they executed the same in his/~~her~~/their authorized  
capacity(~~ies~~), and that by his/~~her~~/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Karen Marion Overklift  
(Signature of Notary)





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Filed: May 23, 2001  
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Assignor: Sug Hyung Lee

01 MBE September 24 2001  
Signature Date

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
personally appeared \_\_\_\_\_,  
\_\_\_\_\_ personally known to me - OR - \_\_\_\_\_ proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are  
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capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

\_\_\_\_\_  
(Signature of Notary)

Reed et al.

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Assignor: Vasco A. Oliveira

Vasco A. Oliveira 10-11-01  
Signature Date

STATE OF California )  
COUNTY OF San Diego )

On October 11, 2001, before me, Karen Marion Overklift,  
personally appeared Vasco A. Oliveira,  
\_\_\_\_\_ personally known to me - OR - X proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/~~she~~/they executed the same in his/~~her~~/their authorized  
capacity(ies), and that by his/~~her~~/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Karen Marion Overklift  
(Signature of Notary)



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Assignor: Hideki Hayashi

Hideki Hayashi July 4, 2001  
Signature Date

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
personally appeared \_\_\_\_\_,  
\_\_\_\_\_ personally known to me - OR - \_\_\_\_\_ proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are  
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instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

\_\_\_\_\_  
(Signature of Notary)

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Assignor: Krzysztof Pawlowski

K. Pawlowski      AUG. 01, 2001  
Signature                      Date

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_  
personally appeared \_\_\_\_\_,  
\_\_\_\_\_ personally known to me - OR - \_\_\_\_\_ proved to me on the basis of  
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instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

\_\_\_\_\_  
(Signature of Notary)